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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,038	07/08/2003	Olivier Reboullet	0528-1080	6720

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EXAMINER
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BALDWIN, KATHLEEN C

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,038	<b>Applicant(s)</b> REBOULLET, OLIVIER	
	<b>Examiner</b> Kathleen Baldwin	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/15/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: In claim 1 line 18, the word –a—should be inserted before the word “first”. In line 20, the word –a—should be inserted before the word “second”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 5-7, 16, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda (US Patent 6,393,940).

Re clm 1, Ueda ('940) discloses a pedal body (28) having engagement members (80, 81) with a hooking element fixed below a cyclist's shoe and a cylindrical cartridge (39) containing a pedal axle (20) adapted to be fixed to a drive crank, said cartridge (39) being received in a cylindrical transverse recess (31) of the pedal (28), the cylindrical recess (31) coacting with screw threading on the cartridge to permit the continuous adjustment of the transverse position of the cartridge (39) in the recess (31, c 5, l 42-44), a holding means (60) for holding the cartridge (39) in a selected transverse position in the recess (31), wherein said holding means (60) comprise a blocking element (60) for blocking

the rotation of the cartridge (39), the blocking element being axially displaceable in the cartridge by a first positive locking means (37) on an end of the cartridge and a second positive locking means (22) on said blocking element, and a gripping means (35) for holding the blocking element against the cartridge to place the first (37) and second (22) positive locking means in engagement with each other and block rotation of the cartridge (when 35 is tightened, 36 pushes 37 into 22).

Re clm 2, Ueda ('940) discloses the blocking element (60) comprises a member (60) for blocking rotation of the blocking element (60) relative to the recess (31, the blocking element uses friction to prevent rotation).

Re clm 5, Ueda ('940) discloses the gripping means comprises a screwing element (35) comprising a first screw thread (thread on 35) adapted to coact with a second screw thread (34) with the recess (31) to grip the blocking element (60) (when 35 is tightened, 36 pushes 37 into 22, gripping 60).

Re clm 6, Ueda ('940) discloses the first screw thread (35) is constituted by internal threading of a nut (35), and the second screw thread (34) is constituted by an external thread (34) on a central rod at the end of the cartridge (39) extending through a central hole of the blocking element (60, see fig. 4)

Re clm 7, Ueda ('940) discloses the first screw element (34) is constituted by an external thread (34) on a cylindrical screwing element (34), and that the second thread (on 35) is constituted by a threading in the end zone of the recess (31).

Re clm 16, Ueda ('940) discloses a pedal body (28) having shoe engagement members (80, 81) and a threaded cylindrical transverse recess (31); a cylindrical cartridge (39) containing a pedal axle (20), said cartridge being received in said cylindrical transverse recess (31) and having threading co acting with the threading of said recess (31) for adjustment of a transverse position of said cartridge (39) in said recess (31, c 5, l 42-44); a blocking element (60) that is axially displaceable in said recess (39) and blocks rotation of said cartridge in said recess (31) to hold said cartridge (39) in a transverse position in said recess (31); a first positive lock (37) on an end of said cartridge and a second positive lock (22) on said blocking element (60); and gripping means (35,36, 34) for placing said first (37) and second (22) positive locks in engagement with each other (when 35 is tightened, 36 pushes 37 into 22).

Re clm 19, Ueda ('940) disclose the gripping means (35,36,34) comprises a threaded nut (35) and threading at the end of said cartridge (39, threading c 5, l 42-44).

Re cm 20, Ueda ('940) discloses the threading of said recess (31) is an internal threading and the threading of said cartridge is complementary external threading (c 5, l 42-44).

Re clm 21, Ueda ('940) discloses said blocking element (60) comprises means for blocking (friction) rotation of said blocking element (60) relative to said recess (31).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda ('940) in view of Prussen et al. (US Patent 4,371,279).

Ueda ('940) discloses all of the claim limitations (as described above).

Ueda ('940) does not disclose the first and second positive locks comprise complementary convex and concave parts that mesh to stop relative rotation of said blocking element and said cartridge when said first and second are placed in engagement with each other by said gripping means and that the said means for blocking comprises a radial lug.

Prussen ('279) teaches a first (38) and second (44) positive locks comprise complementary convex and concave parts that mesh to stop relative rotation of said blocking element (34) and said cartridge (26) when said first and second are placed in engagement with each other by said gripping means (46) and that the said means for blocking (keyway) comprises a radial lug (40). This keyway type engagement reduces the ability to rotate between the components.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have the first and second positive locks comprise complementary convex and concave parts that mesh to stop relative

rotation of said blocking element and said cartridge when said first and second are placed in engagement with each other by said gripping means and that the said means for blocking comprises a radial lug to Ueda's invention to reduce the possibility for rotation between the cartridge and the blocking element, as taught by Prussen. A keyway engagement reduces the rotation better than a friction engagement (in Ueda's).

4. Claim 4, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda ('940) in view of Thuerig (US Patent 5,445,419).

Ueda ('940) discloses all of the claim limitations (as described above).

Ueda ('940) does not disclose the blocking element is a split ring.

Thuerig ('419) teaches a split ring (3) to engage inner and outer cylindrical elements. The split ring contracts slightly and engages in place. This creates a strong engagement and reduces rotation between the two elements.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the expandable blocking element of Ueda's to a split ring which allows for better engagement between the two elements, as taught by Thuerig ('419).

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda ('940) in view of Lin et al. (US Patent 5,964,809).

Ueda ('940) discloses all of the claim limitations (as described above).

Ueda ('940) does not disclose the means for blocking comprised a non-circular shape of a periphery of the blocking element.

Lin ('809) teaches a non-circular periphery on the blocking element (108) which prevents rotation and substantially eliminates motion between the two engaged members (c 8, l 36-46).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide a non-circular periphery to the blocking element of Ueda ('940) to prevent rotation and substantially eliminates motion between the two engaged members, as taught by Lin ('809).

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda ('940) in view of Dingman (US Patent 6,183,136).

Ueda ('940) discloses all of the claim limitations (as described above).

Ueda ('940) does not disclose the first and second positive locking means comprise ribs and grooves and have a rounded cross- section.

Dingman ('136) teaches that having grooves cut into the outer surface of a bearing and aligning the grooves with corresponding ribs in the bearing seat with prevent rotation between the bearing and the bearing shaft (c 1, l 28-32).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to add grooves and ribs to the corresponding surfaces of the positive locking means (37) and (22) to prevent rotation between the two locking means, as taught by Dingman ('136).

7. Claims 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda ('940) in view of Snyder et al. (US Patent 4,311,319).

Ueda ('940) discloses all of the claim limitations (as described above).

Ueda ('940) does not disclose a blocking element and screwing element comprising of notches on their facing surfaces to prevent the spontaneous unscrewing of the screwing element.

Snyder ('319) teaches the use of a blocking element (27) and screwing element (22) comprising of notches (24, 30) provided on their facing surfaces (23, 28) to prevent the spontaneous unscrewing of the screwing element (22) (C2 L44-70).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Ueda's ('940) bicycle pedal assembly in view of the teachings of Snyder ('319) by adding notches to the blocking element and screwing element facing surfaces to prevent the spontaneous unscrewing of the screwing element.

### ***Response to Amendment***

8. In regards to the 112<sup>th</sup>, 2<sup>nd</sup> paragraph rejections, the examiner notes the corrections and the rejections are removed.

In regards to applicant arguments for clm 1 rejection, Ueda ('940) does disclose threading on the cartridge that engages with threading in the recess.

Since threading exists, the cartridge can be axially adjusted. Reference above rejection for claim 1 to disclose the first and second positive locking means and blocking element disclosed in Ueda ('940).

Regarding clms 2-4, applicant's arguments are moot in view of new grounds of rejections as explained above.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Baldwin whose telephone number is 571-272-8973. The examiner can normally be reached on 7:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER